

REMARKS

Initially, Applicants would like to thank the Examiner for the courtesy of the personal interview with Applicants' Representatives conducted on February 27, 2006. The amendments and remarks submitted herewith are consistent with the issues discussed and agreements reached during the interview.

By this Amendment, claim 17 has been amended. Accordingly, claims 17-34 remain pending in this application. No new matter has been introduced by this Amendment.

In the outstanding Office Action, claims 17, 19-25, and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by International Application No. WO 02/063145 A2 to Wastijn et al. ("Wastijn"); claims 17, 20, 24, 25, and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,572,682 to Peter et al. ("Peter"); claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wastijn; claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peter; and claims 29, 30, 32, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,846,342 to Mertz et al. ("Mertz") in view of U.S. Patent No. 5,145,500 to Nolen, Jr. ("Nolen"). Claims 18, 26, 31, and 33 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter in claims 18, 26, 31, and 33.

Independent claim 17 has been amended to recite, *inter alia*, "wherein the plurality of filter elements are electrically connected to each other on at least one end by

a bus bar.” Support for this amendment can be found at least in paragraph no. 29 of the specification, as well as by the arrangement of filter elements and a bus bar shown in FIG. 3. This amendment corresponds to the changes discussed with the Examiner during the interview on February 27, 2006, wherein the Examiner indicated that such an amendment appeared to overcome the art rejections of record. See page 3 of the Examiner Interview Summary from February 27, 2006.

Addressing the prior art rejections, Wastijn fails to disclose or suggest, among other things, the added feature of independent claim 17. Wastijn discloses a filter unit having filter elements 11 stacked one on top of the other, and a metal tube 12 positioned inside openings 13 in filter elements 11. Wastijn at page 11, lines 15-18. Between each filter element 11, felt material 14 is positioned to thermally insulate the filter elements 11 from each other. *Id.* at page 11, lines 18-20. Filter element 11 also includes a filter medium 18 made of metal fiber fleece that is connected via two contact bodies 22 and 23 to an electric circuit 24. *Id.* at page 11, lines 26-32; and page 12, lines 2-3. Wastijn, however, does not disclose or suggest that filter elements 11 or filter mediums 18 are connected to each other by a bus bar. Thus, Wastijn fails to disclose or suggest that the “plurality of filter elements are electrically connected to each other on at least one end by a bus bar,” as recited in independent claim 17.

Independent claim 17 and its dependent claims 18-28 are therefore allowable for at least the reasons stated above. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 17, 19-25, and 28, under Wastijn.

Peter discloses a filter cartridge assembly 10 including filter media members 16, wherein each of the filter media members 16 has sub-cartridges 60. Peter at column 5, lines 60-65; column 8, lines 41-60. Each of sub-cartridges 60 includes filter media 62, an electrical interconnection, and a top cap 66 and a bottom cap 68 with insulative material 70 adjacent to filter media 62. Id. at column 8, lines 50-60. However, Peter does not disclose that sub-cartridges 60 are in any way connected by a bus bar. Thus, Peter fails to disclose or suggest that the “plurality of filter elements are electrically connected to each other on at least one end by a bus bar,” as recited in independent claim 17.

Independent claim 17 and its dependent claims 18-28 are therefore allowable for at least the reasons stated above. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 17, 20, 24, 25, and 28, under Peter.

Applicants respectfully traverse the rejection of claim 27 as being unpatentable over Wastijn or Peter. Claim 27 depends directly from independent claim 17. As discussed above, Wastijn and Peter each fails to disclose or suggest, “the plurality of filter elements are electrically connected to each other on at least one end by a bus bar,” as required by independent claim 17. The case law (*In re Dailey*) cited on page 5 of the Office Action does not remedy this deficiency in Wastijn, nor does it remedy this deficiency in Peter. Furthermore, the Examiner does not rely on the cited case law for such teachings. For at least this reason, neither Wastijn nor Peter renders claim 27

unpatentable. Claim 27 is thus allowable at least due to its dependency from independent claim 17.

Applicants respectfully traverse the rejection of claims 29, 30, 32, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Mertz in view of Nolen. The following arguments correspond to the arguments discussed with the Examiner during the interview on February 27, 2006, wherein the Examiner indicated that such an argument appeared to overcome the art rejections of record. See page 3 of the Examiner Interview Summary from February 27, 2006.

Mertz discloses a filter pack 10 including a section 12 of pleated filter media held in place by strips of edge banding 14 and 16 that form a frame 17. Mertz at column 2, lines 14-17. Both the filter media pleated section 12 and the edge banding frame 17 are formed from a synthetic nonwoven material, and preferably, both the pleated section 12 and the edge banding frame 17 are formed from the same polymer. *Id.* at column 2, lines 17-22.

Mertz does not disclose or suggest, *inter alia*, “a plurality of wire mesh elements, each of the plurality of wire mesh elements being electrically conductive,” as recited in independent claim 29. In an attempt to remedy this deficiency in Mertz, the Examiner offers Nolen. Nolen discloses a range hood filter 20 including a filter element 22 constructed of expanded aluminum. Nolen at column 3, lines 52-61. On page 6 of the Office Action, the Examiner asserts that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the aluminum material of Nolen et al. into the filter of Mertz et al. to provide filter elements having improved mechanical rigidity and strength and to allow the filters to be used to collect grease, as

is well known in the art and suggested by Nolen, Jr. . . .” Applicants disagree with the Examiner’s assertion.

To establish a *prima facie* case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See M.P.E.P. § 2143. In this case, Mertz teaches away from modifying pleated section 12 to be made of aluminum as taught by Nolen. For example, Mertz discloses that “the filter pack can be readily shredded for disposal, because it has no hard plastic frame members. By forming the filter media and the edge banding from the same polymer material, no separation into different classes of recyclable materials is required prior to disposal.” Mertz at column 1, lines 53-60. According to Mertz, modifying a portion of the filter pack to be made of aluminum to improve mechanical rigidity and strength would be undesirable because doing so would hinder shredding. Furthermore, if the filter media is modified to be made of aluminum, the stated convenience of not having to separate the filter media and edge banding into different classes of recyclable materials would be lost.

Thus, one of ordinary skill in the art would not be motivated to modify the filter media in Mertz to be made of aluminum, as taught by Nolen, because Mertz teaches away from such a modification. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness, and Applicants respectfully request the withdrawal of the rejection of independent claim 29, and request the timely allowance thereof.

Independent claim 29 and its dependent claims 30-34 are therefore allowable for at least the reasons stated above. In addition, each of the dependent claims recites

unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 29, 30, 32, and 34, under Mertz in view of Nolen.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

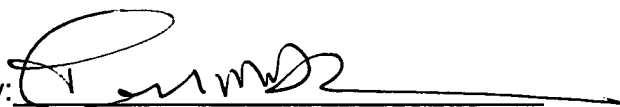
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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